



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 22, 2009
AGENDA DATE: July 29, 2009
PROJECT ADDRESS: 631 Olive Street (MST2008-00577)
 "Green Light Dispensary"
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The applicant has submitted an operational plan that details how the business would be operated to comply with Chapter 28.80 of the City of Santa Barbara Zoning Ordinance. With regard to security, there would be a minimum of six (6) cameras set up to monitor the inside and outside of the building to insure that no loitering, nuisances, or criminal activity occurs in and around the building. The remaining 462 square feet of the building would remain as a residential unit.

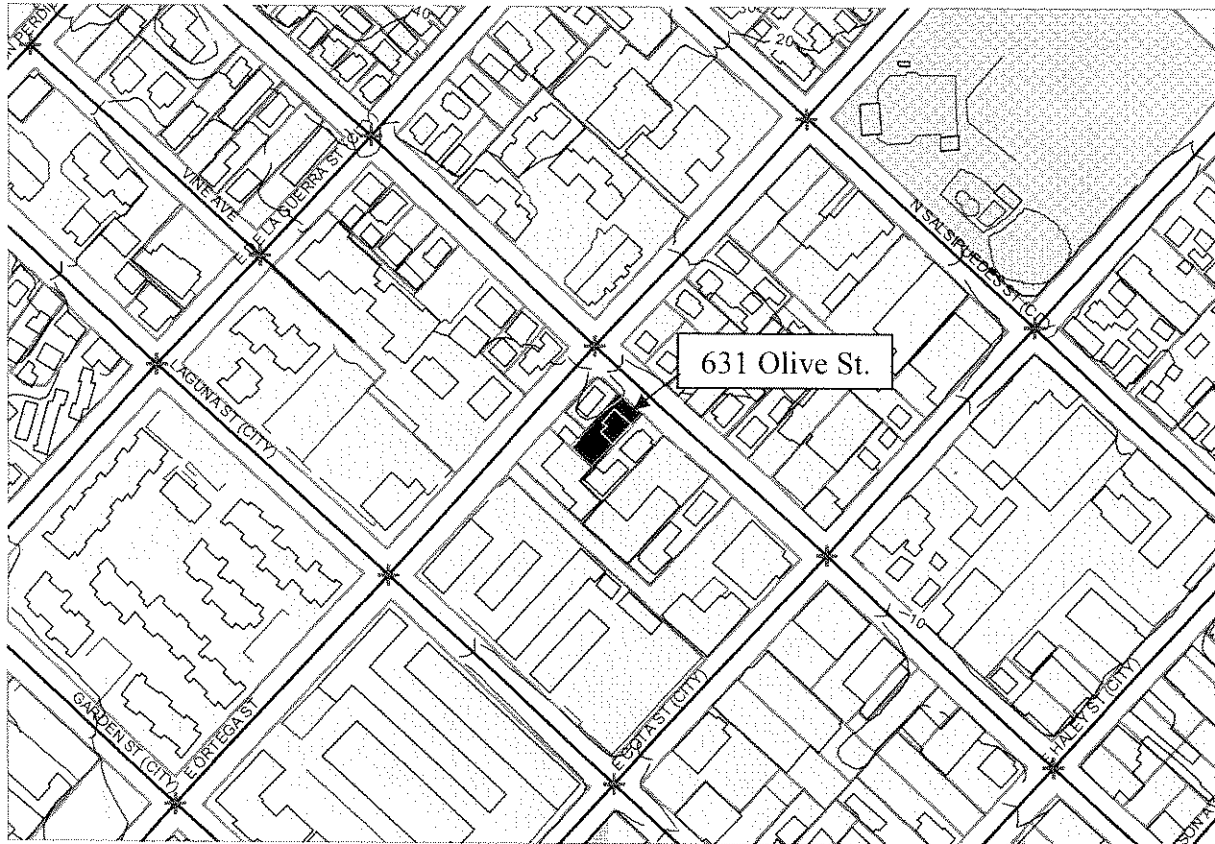
II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

1. A Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map

APPLICATION DEEMED COMPLETE:
 DATE ACTION REQUIRED:

June 16, 2009
 August 15, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Sefton Graham	Property Owner: Carl and Constance Lindberg
Parcel Number: 031-160-005	Lot Area: 6,000 sq. ft.
General Plan: Residential, 12 units per acre	Zoning: C-M
Existing Use: Residential	Topography: Flat
Adjacent Land Uses:	
North – Residential and Commercial	East – Olive Street, Residential and Commercial
South – Residential	West – Commercial (Transition House) / Residential

B. PROJECT STATISTICS

	Existing	Proposed
Residential	1,091 sq. ft.	462 sq. ft.
Commercial	0	629 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Proposed
Setbacks		
-Front	none	5 ft (to parking), 26.5 ft to house
-Interior	none	2.5 ft (minimum)
Building Height	30 feet	15.5 feet
Parking	4 (3 commercial, 1 residential)	4 (3 commercial, 1 residential)
Outdoor Living Space		
- Private Outdoor Living Space	120 s.f.	225 s.f.
- Open Space	600 s.f.	815 s.f.
- Common Open Area	15'x15' area	15'x15' area provided
Lot Coverage		
-Building	N/A	1,244 s.f. 20.73%
-Paving/Driveway	N/A	3,404 s.f. 56.73%
-Landscaping	N/A	1,352 s.f. 22.53%

The proposed project would meet the requirements of the C-M Zone.

VI. ISSUES

A. LOCATION LIMITATIONS FOR DISPENSARIES

Pursuant to Section 28.80.060 of the City Zoning Ordinance, a dispensary may be located in the C-M zone. However, dispensaries are not permitted within 500 feet of a park, school, or other dispensary. The subject site satisfies all location requirements of the MCD Ordinance.

B. CRITERIA FOR ISSUANCE OF A DISPENSARY PERMIT

Section 28.80.090 (B) of the City Zoning Code lists the criteria for issuance of a dispensary permit. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. *That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.*

The operational plan submitted by the applicant and the applicant's responses to the limitations of Section 28.80.060 of the City Zoning Code, indicate the intent and purpose of the dispensary is to provide medical marijuana to qualified patients and primary caregivers. The applicant has passed the required background check, and the proposed security measures have been found to be adequate by the Police Department. Record keeping requirements will allow the city to monitor and audit the proposed use as necessary. Therefore, this criterion has been met.

2. *That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

The project was routed to the Police Department, whose personnel reviewed the application and determined that the area is not considered to be an area of high crime activity based upon crime reporting statistics. Therefore, this criterion has been met.

3. *For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.*

The applicant has not previously operated any dispensaries within the City. Therefore, this criterion does not apply to this applicant.

4. *That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.*

The applicant has submitted all required application fees. No reporting requirements are required at this time. Therefore, this criterion has been met.

5. *That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of the community.*

The proposed dispensary size of 629 net square feet is the minimum necessary to safely and efficiently run a dispensary at this location. The project includes the conversion of existing residential floor area into non-residential area. The overall size of the existing building would not change. As proposed, the structure would contain 629 square feet of commercial space and 462 square feet of residential area. Therefore, this criterion has been met.

6. *That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.*

The proposed location would be central to the downtown area, thereby accommodating patients in this area, and also providing a location that is easily accessible by patients without private transportation. There are no other dispensaries within 500 feet of this location. Therefore, the dispensary would serve the needs of local residents and this criterion has been met.

7. *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.*

The project site is on a C-M zoned lot and is within an area of the City that allows Medical Cannabis Dispensaries (See Exhibit D). No prohibitions for a dispensary at this location were identified in any local, state, statute or rule or regulation. To prevent nuisance issues, the security measures include alarm systems, security cameras, lighting, a security guard and patient screening. No smoking or use of marijuana is permitted on the premises and the applicant is required to monitor and control loitering and nuisances in the surrounding area and keep the area free of trash. Therefore, this criterion has been met.

8. *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

See finding #7 above. The applicant has designed the floor plan to assist in reducing potential crime-related problems and as specified in SBMC §28.80.070. Specific measures include six (6) video cameras with night vision, trained security personnel and state-of-the-art security systems. Therefore, this criterion has been met.

9. *That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.*

The site plan indicates that the applicant will install two (2) security cameras within the business premises in order to monitor the lobby and the dispensary area. The applicant also proposes to place three (3) cameras outside: two (2) near the front of the building and one at the rear of the building facing the parking area.

A security guard will be on-site during business hours and will be responsible for enforcing the operational requirements of the dispensary, including: enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business. Additionally, signage posted in the lobby will remind patients of the dispensary rules. These measures should insure that the patrons' conduct is controlled. Therefore, this criterion has been met.

10. That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

See 7-9 above. On-site security will patrol outside areas to ensure no one is loitering outside the premises. The proposed hours of operation would be 10 a.m. to 7 p.m. seven (7) days a week. Therefore, there should be no late night disturbances associated with this business. This block of Olive Street includes commercial operations that require large delivery trucks and include early morning deliveries. The applicant intends to maintain close relationships with neighbors in order to address any issues before they become problems. If any of the above-listed conditions result from this business, the City would have the ability to revoke this permit, or modify the conditions of the permit to correct any problems that might arise. Therefore, this criterion has been met.

11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

No provisions of any code, condition of a City-issued permit, or any other local or state law, regulation or order or any condition imposed by permits issued in compliance of those laws has been identified. A condition of approval is included to ensure continued compliance with Municipal Code Section 28.80.070. Therefore, this criterion has been met.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

The applicant has indicated that all statements made are true. No false statements of fact or omissions have been discovered by staff. This finding must be based on the information provided in the application package and any testimony presented by the applicant at the public hearing. The Staff Hearing Officer must make this finding based on a judgment of the facts as stated within the entire record.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

The applicant has passed the background check. Per the applicant's statements, the applicant has not engaged in any unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City of Santa Barbara in the past. Therefore, this criterion has been met.

C. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. The project involves converting a portion of an existing single family residence into commercial area, and associated interior construction and parking improvements.

D. DESIGN REVIEW

Due to the relatively minor exterior changes proposed as part of the project (landscaping and parking), design review was not required prior to consideration by the Staff Hearing Officer. However, design review will be required for all exterior changes at the project site. This requirement is included as a condition of approval for the project.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. MEDICAL CANNABIS DISPENSARIES (SBMC Chapter 28.80)

1. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of the Zoning Ordinance, as described in Section VI.A of the staff report.
2. The dispensary permit complies with the criteria set forth in Section 28.80.090 (Criteria for Review of Dispensary Applications) of the Zoning Ordinance, as explained in Section VI of the Staff Report and the Applicant's submittal.
3. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Zoning Ordinance and the conditions of approval outlined in Exhibit A.

Exhibits:

- A. Conditions of Approval
- B. Site Plan and Floor Plans
- C. Business Operations Plan and Required Additional Information
- D. Medical Cannabis Dispensaries Allowed Location Downtown Map

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

631 OLIVE STREET

MST 2008-00577; MEDICAL CANNABIS DISPENSARY

JULY 29, 2009

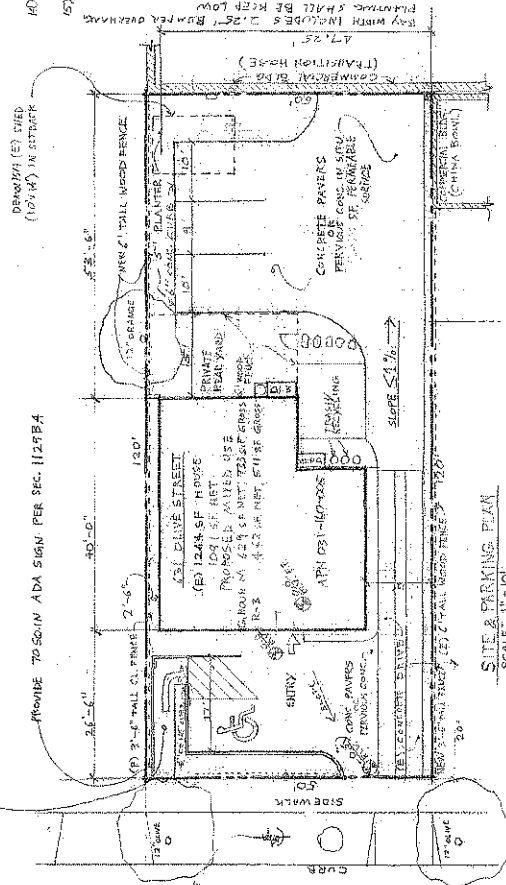
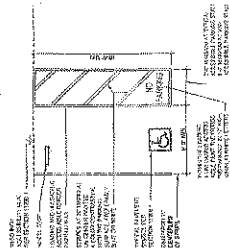
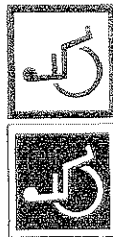
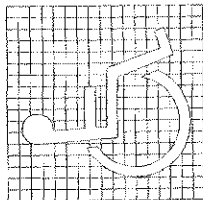
1. This Medical Cannabis Dispensary Permit is conditioned upon continued compliance with the operational standards specified in Santa Barbara Municipal Code section 28.80.070.
2. Applicant shall operate the dispensary in accordance with the Operations Plan and information submitted to the City Planning Division on December 11, 2008 and May 4, 2009.
3. The project is subject to the review and approval of the Architectural Board of Review (ABR) prior to issuance of any building permits.
4. A Change of Use permit shall be applied for and obtained from the City's Building & Safety Division. All work required as part of this Change of Use shall be completed, and the permit "signed-off", prior to commencement of the business.
5. Prior to the anniversary date of the issuance of this permit, the operator shall submit an annual renewal fee, if such fee is established by the City Council.
6. Applicant shall apply for an alarm system permit. Said alarm system shall be installed and registered per SBMC Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.
7. The street front windows shall be kept clear of any obstructions including any interior or exterior window treatments to facilitate visibility from the street. The front lobby shall not have any signs or obstructions that would limit visibility of the lobby from Olive Street.
8. Prior to the issuance of a Building Permit, the operator of the dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.
9. In order to comply with SBMC §28.80.070.A., prior to any involvement with the dispensary, all new employees, volunteer workers, or any person exercising managerial authority over the dispensary shall apply for and obtain a background check cleared through the City Police Department prior to commencement of activities associated with the dispensary.

PROJECT STATISTICS & DATA

- * CHANGE OF USE: R-3 TO M/R-3
 * CREATE MEDICAL CANNABIS DISPENSARY
 APPLICANT: SEFTON GRAHAM
 DBA: GREEN LIGHT DISPENSARY
 P.O. BOX 27341
 SANTA BARBARA, CA 93121

MST 208-00577

PROVIDE 48" WIDE CONCRETE RAMP
FROM R.O.W. TO ENTRANCE.
NOTE SLOPE IS $\leq 1/12$, NOT A RAMP.

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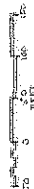
SCALE: 1" = 10'



FIRE-WEIGHT

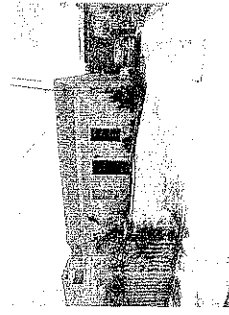


ACTIVITY



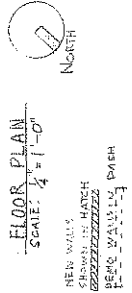
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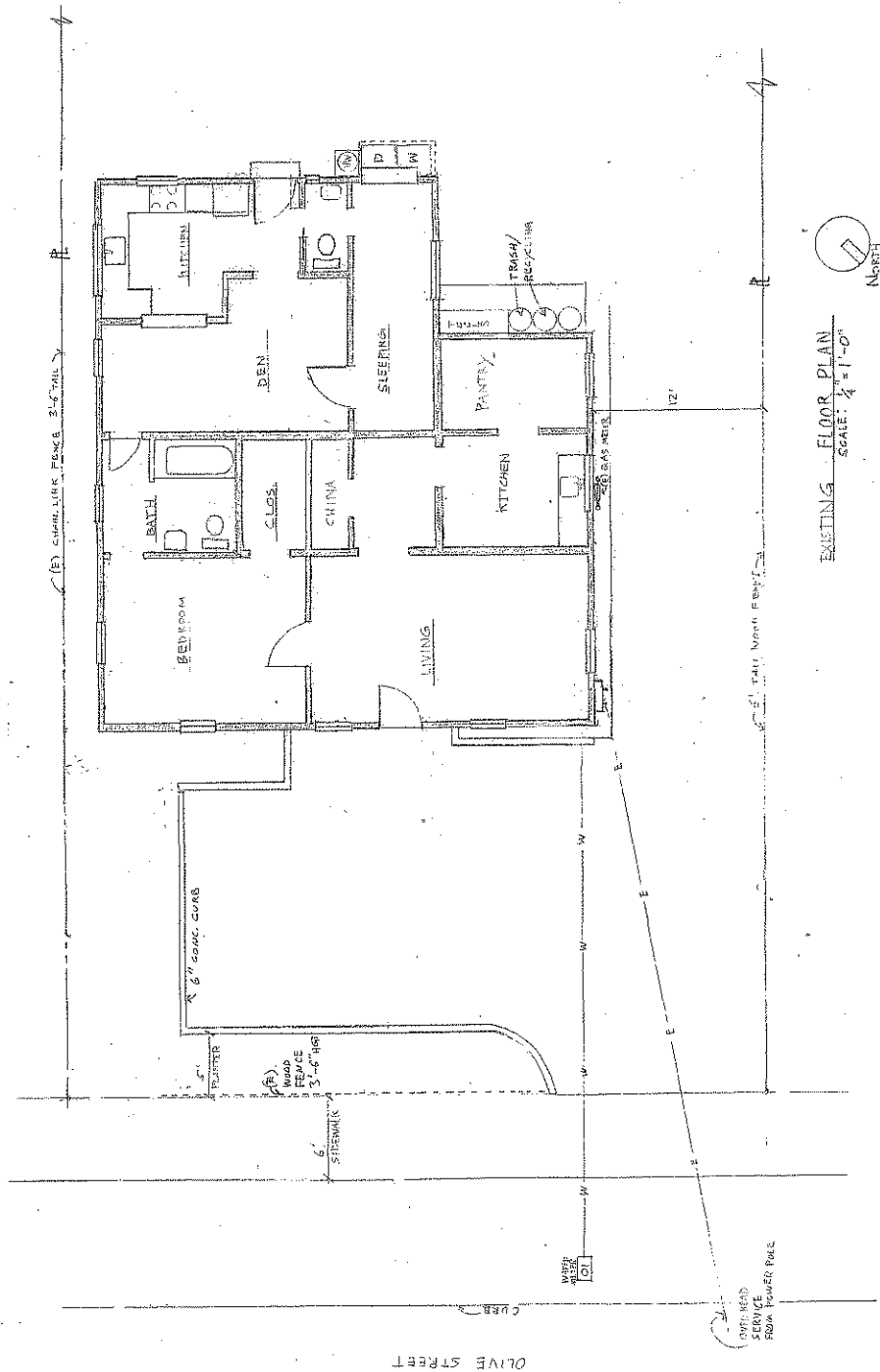
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2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
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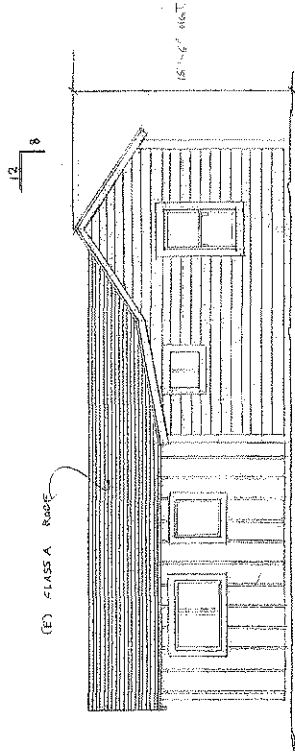


GREEN LIGHT DISPENSARY

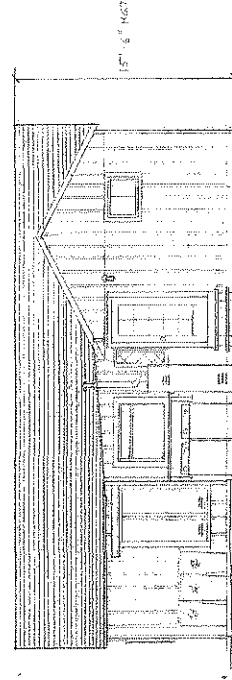
631 OLIVE STREET



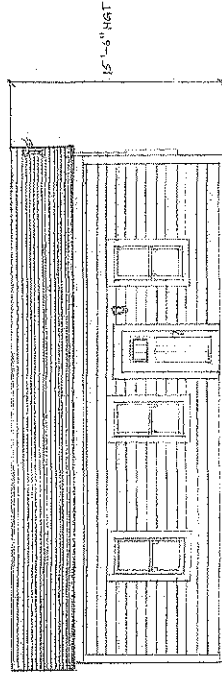




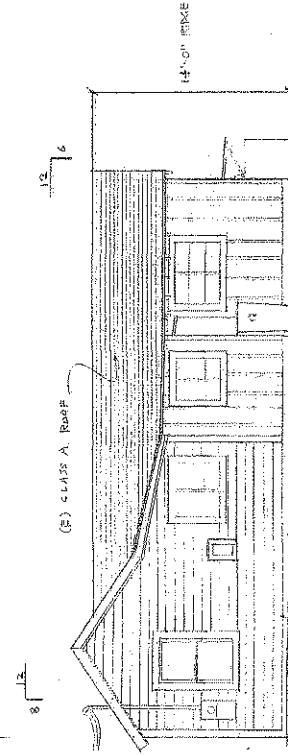
SOUTH ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



WEST ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



(STREET) EAST ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



NORTH ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

NOTE: NO EXTERIOR CHANGES PROPOSED

Green Light Dispensary
631 Olive Street
Santa Barbara, CA 93101
Business Operations Plan
December 2008

RECEIVED
DEC 11 2008

**CITY OF SANTA BARBARA
PLANNING DIVISION**

EXHIBIT C

The Green Light
Sefton Graham
P.O. Box 22341 Santa Barbara, CA 93121
(805) 426-9474

12-11-08

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Modification Request for 631 Olive St. Santa Barbara, CA 93101; Parcel # 31-160-005 Zoned CM

Dear Staff Hearing Officer:

There is an existing house approximately (1,400 sq. ft.), currently being used as temporary housing for a local chef and tea fire evacuee. Until recently it served as a real estate office, until being sold, ostensibly to be converted into a commercial kitchen. It fell out of escrow for reasons unknown to myself. I have proposed it as a possible dispensary site and the landlords do not object. The site is zoned for commercial use and satisfies moratorium regulations. Very little if any structural changes to the building are required. The street already caters to large commercial businesses, such as the Tile Company, and Arnold's Restaurant. It is for these reasons that we think the project would be suitable for this neighborhood.

The major benefits of this proposal are that no building will be required, and because of this, the structure will remain a house. Perhaps more importantly, the patients in the area, will have relatively uninterrupted access to medicine as we transition post moratorium.

Sincerely,

The Green Light

Business Plan

Executive Summary

The Green Light Cooperative is a medical cannabis dispensary dedicated to providing safe and reliable access, for California patients in the city of Santa Barbara. We will constantly strive to make compassion and integrity the heart of our business - being true to our patients, our business, and to ourselves, while keeping wellness a part of our daily lives. The Green light is dedicated to staying passionate and involved in our world and demonstrate through hard work that our business is a responsible community contributor.

The medical cannabis industry is quickly moving toward the mainstream in California. With more people looking for healthier ways to medicate, they need a convenient and less expensive alternative. While all aspects of the wellness industry continue to grow steadily, Los Angeles has seen 200% increases from one year to the next. The next five years will be marked by even more of a deepening public acceptance.

The Green Light Cooperative, launched in December 2008, is a values driven collective that provides quality medicinal cannabis to patients who want a pleasant and professional atmosphere. We are dedicated to promoting relaxation and wellness for anyone seeking to feel good naturally.

Product/Service

Patients can stop in seven days a week, between the hours of 10 A.M. To 7 P.M. After a few months we could conceivably reduce the hours of operation or close one day of the week, depending upon the patients needs. A wide variety of organic medicine in all forms are available at prices as low as \$10. The currently small inventory will grow and prices will drop lower as patient growers begin to donate more medicine. Terminal/critical patients will receive medicine at no charge to be offset by donations from other non terminal patients and supporters.

Strategy

Sefton Graham has financed some of the start up costs with \$10,000 from a personal savings along with \$25,000 in personal loans. A large percentage of the funds remaining will be spent on construction and security costs necessary to meet city ordinance guidelines. The cooperative will be worker and patient owned and operated. Revenues are expected to increase each month, until membership reaches a sustainable level. After any and all early investors are paid, any proceeds will go into the purchase of the building. We will also sponsor local alternative wellness practitioners to support patients in other ways such as counseling, massage, and acupuncture.

There are no target customers in this industry, only patients who are age, gender, and ethnically diverse. They are busy, well informed people who choose to support businesses that reflect their values. A patient who is treated with respect and consistently given quality medicine and information will volunteer time and resources in addition to coming back repeatedly. Dedication to good medicine and quality control will bring word-of-mouth referrals.

Access to medicine is finally being realized and although accurate information is available, often even well informed patients have trouble discerning pertinent data. The Green Light plans to either purchase it's own spectrometer, or use a qualified lab to offer scientific measurements of THC and other cannabinoid levels contained in the medicine. It could also be used to detect mold, pesticides, or any other possible contaminants. This data will prove to be quite valuable not only at present but also in the foreseeable future. As with any medicine, every patient will respond differently to a given strain or dose.

Management

Sefton Graham has been researching and consulting dispensaries for five of the last ten years they have been operating in California. While he has lived in the city for most of his adult life much of this time was spent operating small businesses in Ventura County. The cooperative will be run by and co-owned by the workers and patient volunteers, similar to the food coop in Isla Vista. The Green Light seeks to emulate model dispensaries such as WAMM in Santa Cruz, the Berkeley Patients Group, and OCBC in Oakland. The guidelines proposed by the Attorney General earlier this year will be strictly adhered to in all regards.

Operations Plan

Location and Access

The Green Light Cooperative is located at 631 Olive Street in Santa Barbara California. It is CM zoned for mixed use parcel number 31-160-005. Currently this block is approximately half commercial and half residential. The property has a private drive along the side with five parking spaces, a six foot fence, and a handicapped parking space in front. The backyard/parking lot is closed in by the rear of two businesses making it inaccessible and secure, with a safe walkway on the opposite side of the building. The front and only entrance is wheelchair accessible as is the restroom. The front, sides, and rear are well lit with motion sensor lights. Street parking will be discouraged to avoid any negative impact on the neighborhood and for the safety of our patients.

The location is central to the downtown area so as to accommodate those of the patients who are without transportation. We expect that many patients left without access due to the closures or slated closures of most if not all of the previous dispensaries are in need of safe access.

Dispensary Permit

A valid dispensary Permit is displayed at all times on the wall directly above the receptionist.

Minors

At no time will anyone under the age of 18 be allowed into the dispensing room. A notice is posted on both the front door of the dispensary and on the wall above the receptionist.

Consumption

At no time will patients be allowed to consume cannabis in any form on or near the dispensary. Patients are informed of this when joining the cooperative and are reminded when medicine is dispensed. This includes the parking lot and 200 feet on either side of the street. In addition a notice is posted in the reception area regarding this policy.

New Patients/Caregivers

All new patients and or caregivers are required to provide original documentation of a valid and verifiable doctors recommendation and some form of California ID card. If the doctor fails to verify or is not available the patient will not be served. All patients records are stored on site in a locked cabinet and a copy is returned to the patient. The computer system tracks patients expiration dates and does not allow for multiple visits in a single day. Policy regarding consumption and multiple visits are reiterated to patient/caregivers verbally and in written form.

Existing Patient/Caregivers

Existing patients are asked to provide ID upon entry. The patient is then logged into the computer. If the recommendation is current and verified, the patient is admitted to the dispensing room.

Expired patients

Patients are reminded of the expiration date of their recommendation periodically so as to avoid a lapse in service. Under no circumstances will an expired patient be served. If any patient recommendation expires, the patient information is removed from the computer immediately, and the hard copy refiled under expired. As the expiration date nears patients are reminded more frequently so as to avoid this unnecessary step. Once a new recommendation is received and verified the patient will be allowed access to the dispensing room.

Employees

Employees follow the same guidelines as the patients and caregivers. No medicine is dispensed to any employee without valid doctor verification.

Floor Plan

The dispensary has only one entrance on Olive street leading into the reception area. To the immediate left is the secured dispensing room, that remains locked throughout the day. A security guard will open and monitor this door. A copy of the floor plan is included with this application. (The dispensary walls are outlined in red.)

Storage

The back room labeled storage is used at night to secure all medicine. It is heavily reinforced and is only accessible through one locked door. Within the storage room are two fortified lock boxes. During the day medicine will be kept in the dispensing room to the left of the reception room.

Restrooms

There is one restroom available to patients upon request only. It remains locked unless an employee is asked to provide the key.

Security Guards

A security guard will be on duty at all times. The security guard will monitor not only the reception area/dispensing room, but will also be responsible for the parking area and sidewalk on both sides. The guard will be trained in the verification process and have complete understanding of all Dispensary guidelines.

Security Cameras

The dispensary will use 4 night vision equipped cameras to monitor the parking lot and street, as well as the reception area. The system can be monitored by the security guard and receptionist and is backed up digitally for 72 hours or more. It will record license plates of incoming cars and faces of those entering the reception room as well as those seated inside the reception area.

Alarm System

The Dispensary is equipped with 24 hour alarm system with remote monitoring and panic button to alert local police in the case of any emergency.

Additional Security Measures

All windows and doors are shuttered and locked from the inside every night to avoid attempted burglaries.

Emergency Contact

Sefton Graham @ (805) 426-9474

Employee Information

Background Check

All employees, prior to hiring, are subject to a police background check. No person convicted of a felony, on probation, or parole will be hired. If an employee obtains probation or parole during employment, employee will be placed on leave until they are no longer on probation or parole. Any employee convicted of a felony while employed will be immediately terminated.

Personnel Records

Upon hiring, all employees must submit a completed W4 and basic information sheet. These records are placed in the employees personnel file and stored in a locked cabinet. Only the dispensary owners have access th these files.

Employee Training

All managers must be CPR certified and complete a paid training process. All other employees are trained on site by their supervising manager.

Outdoor Maintenance

Security is responsible for maintaining cleanup in and around the dispensary, including the sidewalk on both sides. Trash is removed by the city weekly. Any graffiti will be removed within 72 hours of application.

THE GREEN LIGHT COOPERATIVE
REQUIRED ADDITIONAL INFORMATION

RECEIVED
MAY 04 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

A. Planning Division

1. *The project involves the conversion of a residential unit to non-residential space. As such, a development plan for a small addition is required pursuant to Santa Barbara Municipal Code (SBMC), Section 28.87.300. Staff can support such a request; however, additional fees are required (see Fees Section below).*

Staff is in the process of fulfilling this request as all fees have been paid.

2. *TDAO —The Tenant Displacement Assistance Ordinance (TDAO) applies to all discretionary or ministerial permits and assists those tenants who are displaced due to their unit being demolished, eliminated, or lost as a result of a land use change. If your project involves the elimination of a rental unit (see comment 6 below), this ordinance applies to you. This ordinance requires that you provide notice of your intent to file an application with the City to all tenants at least 60 days prior to filing the application. For purposes of the TDAO, an application includes any application to ABR, HLC, Staff Hearing Officer (DART), or Division of Building and Safety for a Building Permit or Demolition Permit. If this proposal includes the elimination of a residential rental unit, please provide evidence of noticing compliance as required by this ordinance (SBMC §28.89.020 A and B). A Notice of Intent form is included for you convenience, in the attached Tenant Displacement Assistance Ordinance Information packet.*

This does not apply as no tenant will be displaced. The existing tenant will be allowed to continue residing in his residence.

3. *Please provide an existing floor plan.*

An existing Floor Plan is attached.

4. *Please label all rooms on both the existing and proposed floor plans.*

Please find attached an existing floor plan as well as a proposed floor plan. All rooms are labeled.

5. *Floor Plans/Site Plans should comply with the requirements identified in the Performance Standard Permit application.*

See attached Floor Plan.

6. *Based on the floor plan provided, it appears as though a portion of the building will be used as a residential unit (studio), while the remainder of the building will be dedicated to the Dispensary use. Presumably this will involve some interior alterations, such as closing off access between the two.*
 - a. *Please provide additional information on this aspect of the proposal.*
 - b. *Identify any interior alterations on the floor plans.*
 - c. *Identify the square footage allocated to each use.*

An ADA compliant restroom will be provided in the existing closet space. Closing off the door to the existing restroom will separate the building entirely from the residential unit.

- a. The separation is highlighted on the Floor Plan.
- b. Interior alterations are identified on the Floor Plan.
- c. 462sq ft dispensary and 629 sq ft for the residential

7. *Based on a historical assessment completed by the City's Historian in June 2005, the existing house could be historically significant. Therefore a Historic Structures Report may be required prior to significant alteration of the front portion of the house. Information on the extent of improvements necessary for the change of use (see Building Division comment below) is required in order for a determination to be made. Please contact Jake Jacobus, Urban Historian, at (805) 564-5470 or jjacobus g for additional information.*

The historic structures report has been completed and submitted.

8. *Please provide confirmation and/or information as to how the Dispensary specifically satisfies the criteria identified in SBMC §28.80.070 C.2, C.4, C.6, D.3, E.2, F.1 through F.3 (if applicable), G.6, H.2, H.3, H.4, I, 1, L, M, N, F, and Q.*

SBMC §28.80.070.C.2. *The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance.*

The Green Light Cooperative will install a minimum of 6 video cameras within the business premises. All cameras will be equipped with night vision. Two cameras will be mounted outside to monitor the parking lot. Two cameras will be mounted on either side of the entrance to record faces of all who enter and exit. The remaining four cameras will monitor the lobby and dispensing room and remaining area. The cameras will serve the purpose of recording patients as they move throughout the dispensary starting from the time they enter the parking lot

to when they leave. Moreover, the video can be monitored by managers in the office or remotely. The cameras will be connected to a digital video recorder that records and stores footage for 72 hours. In addition, offsite recording and viewing will provide added security. Camera positions are included on the Floor Plan provided.

SBMC §28.80.070.C.4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.

The Green Light Cooperative will work to make certain that only employees, patients and primary caregivers are permitted within the dispensary. A sign will be clearly posted at the entrance stating that only qualified patients or primary caregivers with a current valid physician recommendation are allowed access to the dispensary. The security guard will help monitor the entrance. Additionally, the status of all patients will be re-checked by employees prior to service. All new patients will be required to provide the original recommendation from their doctor and a valid form of identification. All recommendations will be verified prior to service.

SBMC §28.80.070.C.6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.

The dispensing area is separate from the reception area and is off-limits to anyone other than dispensary personnel, qualified patients and caregivers.

SBMC §28.80.070.D.3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

At no time will Green Light Cooperative have a physician on-site to provide medical cannabis recommendations. All patients will be required to visit their doctor at his/her place of practice.

SBMC §28.80.070.E.2. Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use or distribution in any manner which violates state law.

The Green Light will post all applicable state laws regarding redistribution above the reception area. In addition, all members will be informed verbally as to rules of conduct and will not be allowed any repeat visits. Staff will be trained to monitor activity to avoid repeat visits.

SBMC §28.80.070.F.1. *With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.*

The Green Light will only dispense medical cannabis. No other specific products, goods or services will be available.

SBMC §28.80.070.F.2. *No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.*

The Green Light will not sell any smoking devices used to administer medical cannabis.

SBMC §28.80.070.F.3. *A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.*

The Green Light Cooperative will adhere to all the provisions set forth in the Compassionate Use Act of 1996. Patients/primary caregivers must provide a valid physician recommendation for medical cannabis which will be verified by the staff prior to joining the collective.

SBMC §28.80.070.G.6. Emergency Contact. *A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.*

In case of an emergency, police can contact Sefton Graham on his mobile at (805) 426-9474. This information has already been provided to police.

SBMC §28.80.070.H.2. – H.4. *(2.) Signs on the premises shall not obstruct the entrance or windows. (3.) Address identification shall comply with Fire Department illuminated address sign requirements. (4.) Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.*

The Green Light Cooperative has no plans for signage. Our address will be clearly displayed and illuminated during all hours of darkness. The source of illumination shall be an exterior building light placed beside the address numbers which will automatically turn on during all hours of darkness

SBMC §28.80.070.I. Employee Records. *Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official, but only for the purposes of determining compliance with the requirements of this chapter.*

All employees of the Green Light Cooperative will have a Live Scan and background check done by the Santa Barbara Police department. No persons that have been convicted of a felony or currently on probation or parole for controlled substance violations shall be employed by the Green Light Cooperative. All employees will submit a completed W-4 and personal data sheet. A current list of all employees and volunteers will be maintained and available to City officers/officials.

SBMC §28.80.070.J. Patient Records. *A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5.*

The Green Light Cooperative will maintain confidential patients/caregivers records. Patients/caregivers are assigned an individual number upon registering which is used for future identification purposes. Information, such as day of visit, is then entered in the computer using only the identification number. Patient's recommendation expiration dates are also included so staff can remind patients of upcoming expiration dates. This system alerts staff of patients entering more than once in the same day. The computer system is locked with a pass code every night. Only management and staff with know the pass code. Copies of doctor's recommendations are kept in a locked file cabinet in the back room.

SBMC §28.80.070.L. Site Management. *(1).The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary. (2). The operator shall*

take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(3). The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

The Green Light Cooperative will hire and train a security guard who will be on duty at all times when the dispensary is open. The guard will monitor the reception area as well as the parking lot and adjacent sidewalks. Moreover, management will be able to monitor the surrounding premises through the use of video cameras. All new and existing patients will be informed of dispensary rules such as where to park and no loitering and given a handout. In addition, patients will be given a handout on the regulations of medical cannabis use within the City. Signs will be clearly posted in the reception area reminding patients of the dispensary rules.

SBMC §28.80.070.M.1-M.2. Trash, Litter, Graffiti. *(1.) The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street, as well as any parking lots under the control of the operator, as needed to control litter, debris and trash. (2.) The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.*

All personnel including security will be responsible for maintaining the parking lot as well as the front and adjacent sidewalks for at least 200 feet and will remove any litter, debris or trash. If graffiti is found, management will have it removed within 72 hours.

SBMC §28.80.070.N. Compliance with Other Requirements. *The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.*

The Green Light will adhere to the provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

SBMC §28.80.070.P. Alcoholic Beverages. *No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.*

The Green Light shall not hold or obtain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be consumed on the premises.

SBMC §28.80.070.Q. Parking Requirements. *Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(I).*

The Green Light has a total of 4 parking spaces including a handicap accessible spot in the front of the building. The square footage of the dispensary itself is 462 sq ft. There is a parking spot available for each 250 sq ft. of the dispensary. The tenant unit in the rear of the building would normally require two additional spaces; however Staff has approved an exemption for one space following the project did qualify for a 50% reduction in the number of required parking spaces for the residential units in a mixed-use development (as per Mixed Use Section). See attached Floor Plan for locations.

9. *The application letter shall include information showing how the Dispensary meets the criteria for permit issuance (SBMC Section 28.80.090.B).*

28.80.090.B. Criteria for Issuance. *The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:*

1. *That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.*

The intent of The Green Light is to provide medical marijuana to qualified patients and caregivers. All steps have been taken to ensure the Green Light adheres to local city and state laws concerning the dispensing of medical marijuana.

2. *That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

See Chief of Police for a report on the area.

3. *For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.*

The Green Light has not yet opened for operation and is waiting on City approval and a permit. The owners have not previously operated dispensaries within the City

4. *That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.*

All fees have been paid.

5. *That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of community.*

The Green Light is located at 631 Olive Street in Santa Barbara, CA. The size of the dispensary is 629 square feet.

6. *That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.*

There are more than 10,000 legal marijuana patients in Santa Barbara County. Many patients have been left without access due to closures and pending closures of most previous dispensaries and are in need of safe access. The location is central to the downtown area so as to accommodate patients without transportation.

7. *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.*
Copy staff recommendation

The location of the dispensary is within the area allowed by the City (see attached map). The Green Light will prevent nuisance issues with a comprehensive security plan which includes alarm systems, security cameras, a security guard and patient screening. The Green Light will monitor the surrounding premises to ensure no loitering and keep the area free of trash.

8. *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

The Green Light will ensure that our floor plan, security plan and site plan assist in reducing potential crime-related problems. A security guard will always be working during hours of operation. The parking lot and exterior building area will be illuminated. The dispensary lobby will have seating available for waiting patients and all patients will be aware that they must leave once they are served. There are no furnishings in the exterior of the building that encourage loitering. There is absolutely no smoking of marijuana allowed in or around the premises.

9. *That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.*

The Green Light will install 6 security cameras and will monitor both the interior and the exterior of the building. A security will be on-site during business hours and will be responsible for enforcing operational requirements of the dispensary. Additionally, signs posted in the lobby will remind patients of the rules regarding marijuana uses and of proper conduct.

10. *That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

The proposed hours of operation are 10 AM to 7 PM, seven days a week. This block has many commercial properties including Haywards and the Tile Co. which have large trucks making early deliveries which is one of the reasons we chose to open at 10AM. Therefore, the impact to surrounding business will be

minimal. We will maintain close relationships with our neighbors and address any issues before problems arise.

11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

The Green Light will adhere to all the provision of the Municipal Code and all local and state law regulations.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

All statements made are true.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

All background checks are complete.

10. *Please submit additional photographs, as the ones provided are blurry. Required photographs include:*
- a. the site,*
 - b. each elevation of the building,*
 - c. adjacent properties,*
 - d. surrounding neighborhood area and streetscape (to provide an accurate depiction of the location of the subject parcel).*

A map showing the locations where photographs were taken is helpful. Photographs must be clear, visually legible, in color AND a minimum of 3"x5" size. Dark and/or discolored photographs are not acceptable. Polaroid or instamatic photographs are also not acceptable. Digital photographs are acceptable if they are of the same quality of development as color photographs. All photographs must be labeled with the project address and the relationship of the photograph to the project site. Digital photographs may be printed on 8 1/2" x 11" regular white paper.

See attached map and photographs

11. *Please complete and return the Supplemental Statistical Information sheet included in the attached Performance Standard Permit Submittal Packet.*

Please refer to Floor Plan for SSI data.

12. *Please estimate the total number of employees and the maximum number of employees that will be working at a given time.*

The Green Light estimates that we will have a minimum of three and a maximum of six employees working at a given time.

B. Transportation Division

1. *Please provide a break down of the required number of parking spaces for both uses of the building: the proposed dispensary and the existing/proposed use at the rear of the building (residential?).*

The Green Light has a total of 4 parking spaces including a handicap accessible spot in the front of the building. The square footage of the dispensary itself is 462 sq ft. There is a parking spot available for each 250 sq ft. of the dispensary. The tenant unit in the rear of the building would normally require two additional spaces; however Staff has approved an exemption for one space following the project did qualify for a 50% reduction in the number of required parking spaces for the residential units in a mixed-use development (as per Mixed Use Section). See attached Floor Plan for locations.

2. Please provide a dimensioned site plan to scale, so that the parking design may be checked for maneuverability. Dimension bay widths in addition to parking widths. Please refer to page 17 of the City's Parking Design Standards for minimum requirements for typical 90° parking stalls.

See attached Floor Plan.

C. Building & Safety Division

Need to apply and have issued a Building Permit for change of use from a Single Family Residence (R-3) to a retail store (M).

Working concurrently with the Building and Safety Division.

ADDITIONAL APPLICATIONS REQUIRED

Based on the information submitted, the subject project requires the following additional applications for the following reasons:

A. Planning Division

1. *Development Plan for the conversion of -square feet of residential floor area to non-residential floor area (SBMC §28.87.300).*

See attached Floor Plan.

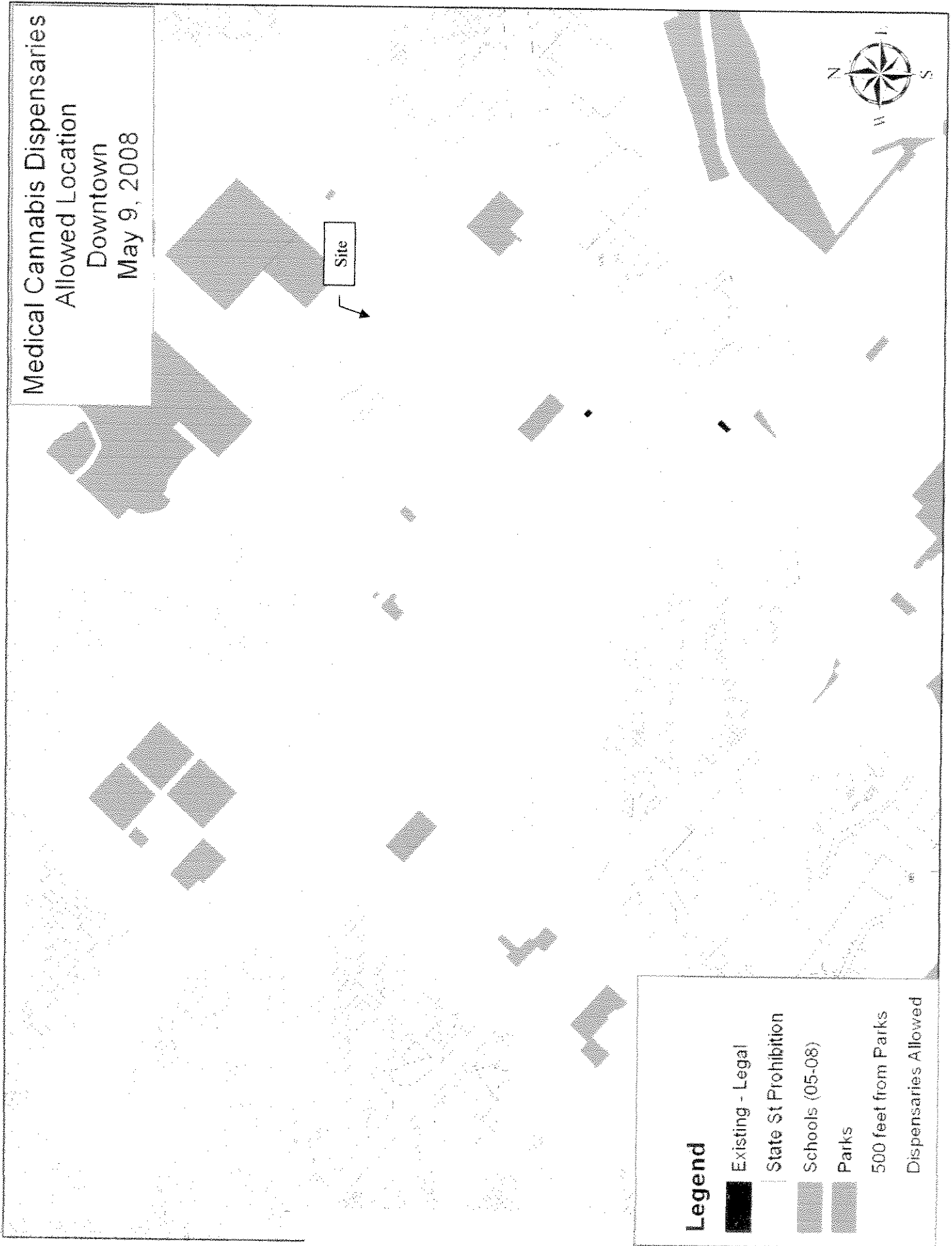
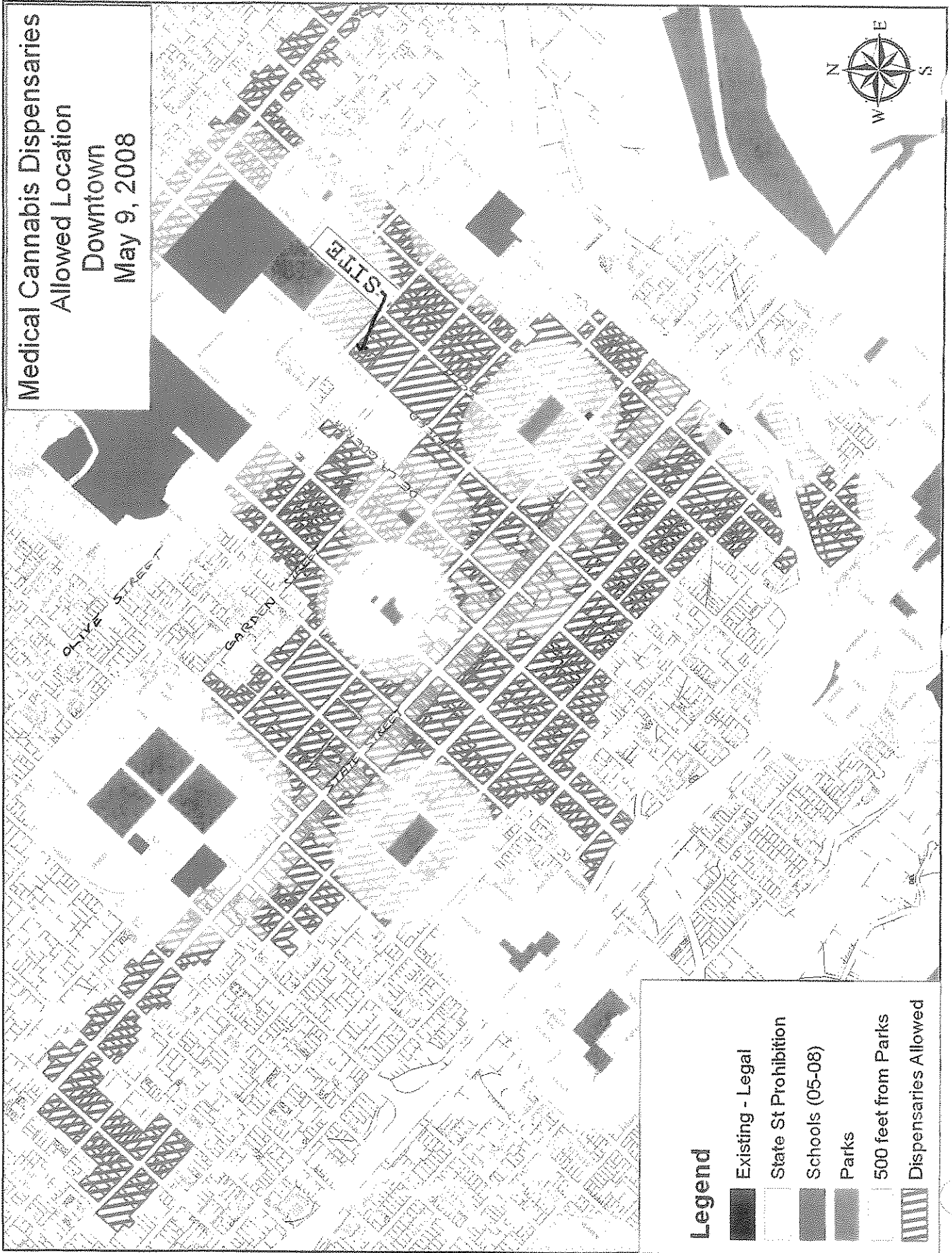
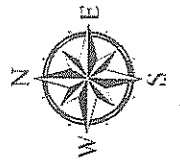








EXHIBIT D

Medical Cannabis Dispensaries
 Allowed Location
 Downtown
 May 9, 2008



Legend

-  Existing - Legal
-  State St Prohibition
-  Schools (05-08)
-  Parks
-  500 feet from Parks
-  Dispensaries Allowed

